

**United States District Court
Western District of Texas
Del Rio Division**

THE STATE OF TEXAS,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY; ALEJANDRO MAYORKAS, IN
HIS OFFICIAL CAPACITY AS SECRETARY
OF THE U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S. CUSTOMS
& BORDER PROTECTION; U.S. BORDER
PATROL; TROY A. MILLER, IN HIS
OFFICIAL CAPACITY AS ACTING
COMMISSIONER FOR U.S. CUSTOMS
& BORDER PROTECTION; JASON
OWENS, IN HIS OFFICIAL CAPACITY AS
CHIEF OF THE U.S. BORDER PATROL;
AND JUAN BERNAL, IN HIS OFFICIAL
CAPACITY AS ACTING CHIEF PATROL
AGENT, DEL RIO SECTOR U.S. BORDER
PATROL,

Defendants.

No. 2:23-CV-00055-AM

PLAINTIFF'S NOTICE OF APPEAL

Plaintiff the State of Texas appeals this Court's Order entered on November 29, 2023, to the United States Court of Appeals for the Fifth Circuit. *See* Memorandum Opinion and Order, ECF No. 57. That Order denied the State of Texas's motion for a preliminary injunction. *See id.*; *see also* Pl.'s Mot. for Prelim. Inj. or Stay of Agency Action, ECF No. 3. The order denying a preliminary injunction is immediately appealable. *See* 28 U.S.C. § 1292(a)(1).

Date: November 30, 2023

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

RALPH MOLINA
Deputy Attorney General for Legal Strategy

OFFICE OF THE ATTORNEY GENERAL
P. O. Box 12548, MC-009
Austin, TX 78711-2548
(512) 936-2172

ROBERT HENNEKE
Texas Bar No. 24046058
Texas Public Policy Foundation
901 Congress Ave.
Austin, Texas 78701
(512) 472-2700
rhenneke@texaspolicy.com

Respectfully submitted,

/s/ Ryan D. Walters

RYAN D. WALTERS
Chief, Special Litigation Division
Tex. State Bar No. 24105085
ryan.walters@oag.texas.gov

DAVID BRYANT
Special Counsel
Texas Bar No. 03281500
David.bryant@oag.texas.gov

MUNERA AL-FUHAID
Special Counsel
Tex. State Bar No. 24094501
Munera.Al-Fuhaid@oag.texas.gov

AMY S. HILTON
Special Counsel
Tex. State Bar No. 24097834
Amy.Hilton@oag.texas.gov

HEATHER L. DYER
Special Counsel
Tex. State Bar No. 24123044
Heather.Dyer@oag.texas.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

On November 30, 2023, this document was filed electronically through the Court's CM/ECF system, which automatically serves all counsel of record.

/s/ Ryan D. Walters

RYAN D. WALTERS